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4 **BEFORE THE INSURANCE COMMISSIONER**
5 **OF THE STATE OF CALIFORNIA**
6

7 In the Matter of the Request for
8 Finding of Eligibility to Seek
9 Compensation of:

10 **NATIONAL ASIAN AMERICAN**
11 **COALITION,**

12 **Petitioner**

File No. IE-2013-0001

**FINDING OF ELIGIBILITY TO SEEK
COMPENSATION**

13 On March 1, 2013, National Asian American Coalition ("NAAC") submitted
14 a Request for Finding of Eligibility to Seek Compensation ("Request"). On March
15 11, 2013, NAAC submitted a Supplement to its Request. On March 12, 2013,
16 NAAC submitted an Additional Supplement to its Request. As of March 12, 2013,
17 the Request (with the inclusion of the Supplement and Additional Supplement)
18 was complete. The Commissioner has completed the review of the Request,
19 Supplement, and Additional Supplement and hereby finds that, pursuant to the
20 provisions of California Insurance Code § 1861.10 and California Code of
21 Regulations, Title 10, § 2662.2, NAAC is eligible to seek compensation for its
22 representation of consumers' interests in CDI proceedings.

23 This Finding of Eligibility shall remain in effect for two years from the
24 date of this Order; however, this Finding of Eligibility does not ensure
25 compensation in the proceeding(s) in which NAAC participates.

26 **FINDINGS**

27 NAAC provided a verified Request, in accordance with California Code of
28 Regulations (CCR) §2662.2(a).

1 NAAC provided a description of its previous work as an intervenor in
2 accordance with CCR §2662.2(a)(1).

3 NAAC responded to the showing required of a group intervenor, in
4 accordance with CCR §2662.2(a)(2) (A) – 2662.2(a)(2)(G), as follows:

5 CCR §2662.2(a)(2)(A). The current Articles of
6 Incorporation for NAAC are on file with the CDI.

7 CCR § 2662.2(a)(2)(B). NAAC has served over 9,000
8 homeowners since its founding and more than 5,000
homeowners specifically in California.

9 CCR § 2662.2(a)(2)(C). NAAC listed the names of all
10 individuals on its current Board of Directors and provided
11 a business address at which they could all receive
correspondence.

12 CCR § 2662.2(a)(2)(D). NAAC currently does not have a
13 newsletter.

14 CCR § 2662.2(a)(2)(E). NAAC provided a year-end report
15 from the President to the Board covering 2012.

16 CCR § 2662.2(a)(2)(F). NAAC states that they are
17 classified as a non-profit organization by the Internal
Revenue Service under IRS Code § 501(c).

18 CCR § 2662.2(a)(2)(G). NAAC submitted the percentages
19 and dollar amounts of funding from various sources:
20 Foreclosure Prevention Counseling; Micro Technical
Assistance Training; REO; Broadband Access Outreach
21 and Education; Asian News in America; Economic
Development Conference; Volunteer Income Tax
22 Assistance; Asian Cultural Festival; Capacity Building;
Project Renew, REO Rehab; Bank of America; PG&E;
23 Comerica; Wells Fargo.

24 LEGAL STANDARDS

25 California Insurance Code section 1861.10 states in relevant part:

26 (a) Any person may initiate or intervene in any proceeding
27 permitted or established pursuant to this chapter, challenge any
28 action of the commissioner under this article and enforce any
provision of the article.

1 (b) The commissioner or a court shall award reasonable advocacy
2 and witness fees and expenses to any person who demonstrates
3 that (1) the person represents the interests of consumers, and (2)
4 that he or she has made a substantial contribution to the
5 adoption of an order, regulation or decision by the Commissioner
6 or a court.

7 CCR §2662.2 sets out the procedure by which intervenors are deemed
8 eligible to seek compensation:

9 (a) A person or group representing the interests of consumers
10 may provide to the Public Advisor a request for finding of
11 eligibility to seek compensation. The request shall be verified
12 and may be verified by the intervenor's or participant's attorney
13 and shall be submitted, at any time, in conjunction with an
14 ongoing proceeding in which the individual or organization seeks
15 to intervene. The request shall comply with sections 2652.1-
16 2652.4 of this subchapter and shall include:

17 (1) a showing by the intervenor or participant that it
18 represents the interests of consumers, including a
19 description of the previous work of the intervenor or
20 participant; and,

21 (2) in the case of groups representing the interests of
22 consumers, the request shall include the following as
23 exhibits:

24 (A) a copy of the group's articles of
25 incorporation, by-laws, or (for groups not
26 organized as corporations) other
27 organizational documents,

28 (B) if the group has members, the
approximate number of current members,

(C) composition of the group's current Board
of Directors – including the name and
business address of each director and/or the
name and business address of the principals
of the group if it is not a corporation,

(D) newsletter circulation, if any, along with
a representative sample of newsletters and/or
any other publication issued by the
intervenor in California during the previous
twelve (12) months,

(E) any annual or year-end report for the
prior year.

1 (F) a statement as to whether or not the
2 group has been granted non-profit status
3 under Internal Revenue Code Section 501(c),
4 and

5 (G) in order to allow a determination
6 whether the group actually does represent
7 the interests of consumers, a listing, by
8 general category, of the group's funding
9 sources for the prior twenty-four (24) months
10 and the approximate total percentage of the
11 group's annual budget from each funding
12 category. Each foundation, corporate,
13 business, or government grant shall be
14 separately listed by name of foundation,
15 corporation, business, or government agency
16 and amount of grant. For each individual
17 who contributed at least five percent of the
18 group's annual budget, the name of the
19 individual and the total amount of the annual
20 contribution shall be separately listed.

21 The Public Advisor may require additional information
22 regarding the request at any time, but not more than twice
23 during any one calendar year from a given Intervenor or
24 participant.

25 CCR §2661.1 (j) defines representing the interests of consumers as follows:

26 Represents the Interests of Consumers" means that the
27 intervenor represents the interests of individual insurance
28 consumer[s], or the intervenor is a group organized for the
purpose of consumer protection as demonstrated by, but is not
limited to, a history of representing consumers in administrative,
legislative or judicial proceedings.

A party which represents, in whole or in part, any entity
regulated by the Commissioner shall not be eligible for
compensation. However, nothing in this subsection shall be
construed to prohibit any person from intervening or
participating if that person is not seeking compensation.

CCR §2662.2(b) and (c) set deadlines for CDI's review of requests for
finding of eligibility.

(b) Within 10 days of receipt of a request for finding of
eligibility to seek compensation, the Public Advisor shall review
the request for completeness. If the request includes all of the
information required by subdivision (a) above, it is complete. If
the Public Advisor determines that the request is not complete
because it does not include all of the information required by

1 subdivision (a), notice stating the grounds for incompleteness
2 will be given to the person or group who submitted the request
within the 10 day period and the request will be rejected.

3 (c) The Commissioner shall rule on the request for a finding
4 of eligibility to seek compensation in writing not later than 15
5 days from the receipt of a complete request.

6 DETERMINATIONS

7 NAAC has complied with the requirements of CCR § 2662.2.

8 NAAC represents the interests of consumers, and on these grounds,
9 the Commissioner hereby finds NAAC eligible to seek compensation in CDI
10 proceedings pursuant to CIC §1861.10.

11 This Finding of Eligibility is effective March 18, 2013.

14 ORDER

15 NAAC is hereby deemed eligible to seek compensation from the CDI for its
16 representation of consumers' interests and for its participation in CDI proceedings
17 pursuant to CIC §1861.10 for a period not to exceed two years from March 18, 2013.

18 A finding of eligibility to seek compensation does not ensure compensation.
19 NAAC must comply with all relevant provisions of the California Insurance Code
20 and the California Code of Regulations in order to participate and to submit requests
21 and/or to receive compensation in specific hearings or proceedings.

22
23 Dated: March 18, 2013

DAVE JONES
Insurance Commissioner

24
25
26 By 
27 Edward Wu
Public Advisor

PROOF OF SERVICE
In the Matter of the Request for Finding of Eligibility to Seek Compensation of
NATIONAL ASIAN AMERICAN COALITION, Petitioner
Case No. IE-2013-0001

I am over the age of eighteen years and am not a party to the within action. I am an employee of the Department of Insurance, State of California, employed at 45 Fremont Street, 19th Floor, San Francisco, California 94105. On March 19, 2013, I served the following document(s):

FINDING OF ELIGIBILITY TO SEEK COMPENSATION

on all persons named on the attached Service List, by the method of service indicated, as follows:

If **U.S. MAIL** is indicated, by placing on this date, true copies in sealed envelopes, addressed to each person indicated, in this office's facility for collection of outgoing items to be sent by mail, pursuant to Code of Civil Procedure Section 1013. I am familiar with this office's practice of collecting and processing documents placed for mailing by U.S. Mail. Under that practice, outgoing items are deposited, in the ordinary course of business, with the U.S. Postal Service on that same day, with postage fully prepaid, in the city and county of San Francisco, California.

If **OVERNIGHT SERVICE** is indicated, by placing on this date, true copies in sealed envelopes, addressed to each person indicated, in this office's facility for collection of outgoing items for overnight delivery, pursuant to Code of Civil Procedure Section 1013. I am familiar with this office's practice of collecting and processing documents placed for overnight delivery. Under that practice, outgoing items are deposited, in the ordinary course of business, with an authorized courier or a facility regularly maintained by one of the following overnight services in the city and county of San Francisco, California: Express Mail, UPS, Federal Express, or Golden State overnight service, with an active account number shown for payment.

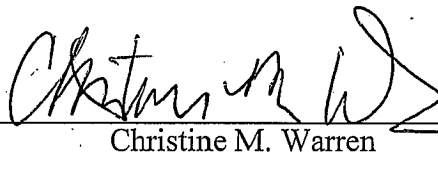
If **FAX SERVICE** is indicated, by facsimile transmission this date to fax number stated for the person(s) so marked.

If **PERSONAL SERVICE** is indicated, by hand delivery this date.

If **INTRA-AGENCY MAIL** is indicated, by placing this date in a place designated for collection for delivery by Department of Insurance intra-agency mail.

If **EMAIL** is indicated, by electronic mail transmission this date to the email address(es) listed.

Executed this date at San Francisco, California. I declare under penalty of perjury under the laws of the State of California that the above is true and correct.


Christine M. Warren

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SERVICE LIST
In the Matter of the Request for Finding of Eligibility to Seek Compensation of
NATIONAL ASIAN AMERICAN COALITION, Petitioner
Case No. IE-2013-0001

<u>Name/Address</u>	<u>Phone/Fax Numbers</u>	<u>Method of Service</u>
Robert Gnaizda, Esq. Aaron Lewis, Esq. NATIONAL ASIAN AMERICAN COALITION 15 Southgate Avenue, Suite 200 Daly City, CA 94015 rgnaizda@naacoalition.org alewis@naacoalition.org	Tel: (650) 952-0522 Fax: (650) 952-0530	EMAIL Between 8:00 a.m. and 8:30 a.m.